App. F. IX-4

Previous References

1930.31 (Law.)

File No. 85-30

Serial Nos. 7 +10

Later References

Law Dep 30-32

(16)

General and Revenue Secretariat.

Serial Nos. ~~Part~~ 2

Part B for August-1931

SUBJECT.

Entrusting of certain Civil cases on the file of the Additional Dist. Court to Mr. N. S. Murthy Advocate, Bangalore

7) To The P.P. Bangalore with the bill
Mr. N. S. Murthy - do -
Rev. Comr. Bgle
Comptroller thro' H. Secll.

No. P426-9 Dt. 20-7-31.
Sanctions a fee of Rs 25 each to the P.P. and to Mr. N. S. Murthy for services rendered in the Counsel of O.S. 20/27-28 on the file of the Addl Dist Judge Bgle.

To The Rev Comr.
No. P1045 Dt. 17.8.31.
Fds the copy of the Judgment & decree for taken further action in consultation with the P.P. Bgle & ret the papers received to Govt.

Mr. Abdulkhan 10)
7.9.31

General and Revenue Secretariat | File No. | of 193

Serial No.

Addl

O.S. 20 of 27.28 dt 21-Blre

(Venkoji-Rao cs forit)

for evidence 5/12/30

Please put up Law file 3 of 1927

DNP
20/11

Required file is put up.

TSD
21/11

This (Law 3 of 27) may be sent to us H.S. Srinivasamurti in copies of the letter issued to him in the matter. Please put up a draft accordingly.

DNP
21/11

Dft put up for approval

TSD
24/11

Issue.

DNP
24/11.

T.

Mr. H. S. Murthy

No. P. 2997 dated 27.11.30 forwarding for reference and return Law file no. 3-27 Sh 1-24 and requesting to acknowledge the receipt of the pa

Please keep a copy of our letter P 2739 of 18/11/30 in this file

DNP
24/11

A.

TSD
27/11

DNP
27/11.

Sec

TSD
27/11

NOTE—Contn. Sheet.

WD 02553—G PB—50,000—8-7-30

Letter dated 10th June 1931 from the Munsiff forwarding copy of Judgment in O.S. 20 of 1927-28

(Letter is in Law file 65-30.) (Linked file)

Letter dated 11th June 1931 from Mr H.S. Murthy enclosing a bill for Rs 50/- for his remuneration in O.S. 20/1927-28

Letter No. 5545/30-31 dated 29th June 1931 from the Pr. Bangalore forwarding his bill for Rs 50/-

This Case along with other Case was entrusted to the Pr. H.S. Murthy according to G.O. No. P. 16463-82 Law 65-30-2 when it was transferred to the Addl Dist. Court Bangalore. This is a Suit Challenging the Revenue sale, and was dismissed under sec 22(1) of the L.R. Code. Pr. was Conducting this Case in the file of the Dist. Court, until it was posted for evidence. Both of them Claim Rs 50/- each. The fee allowed in a decree Comes to about Rs 20/- Pr's bill Countersigned for appearance on 15 days. Mr H.S. Murthy has appeared on 3 days only for orders.

(fly 'A' in the Linked file)

→ It is only Rs 7/-

ISD 2/7

The suit was for a perpetual injunction against the Govt & the other Defendants who had derived

Serial No.

their title from Govt, after the sale to the Plaintiff was duly cancelled, The Public Prosecutor appeared for Govt in the initial stages ~~of the case~~ in the District court. It was then entrusted to me H.S. Murti when it was transfered to the Addl. Dt. Ct. The case had been posted for evidence, but since it could be disposed of on arguments on the point of law raised in the defence, the case was argued by me H.S. Murti. ~~and the~~ The Judge has held in favour of Govt on the 3rd issue (question of maintainability of the suit) & has dismissed the suit.

This being a land dispute, the advocate's fee as allowed in the decree cannot be the criterion on which a party can rely in paying the fee due to his Counsel for services rendered. In this case a total fee of Rs 50/- may be paid, it being distributed equally between the Public Pr and me. H. Srinivasa Murti—

Chief Secretary)

DMG 2.7.31

(the cost is to be borne by the Rev Deptt.)

DY. SECY. 2 JUL 1931

Do speak

mm 3/7/31

Rule 57(1) read with rule 56(2)(b) of the Legal affairs Rules, prescribes a fee equal to "the maximum amount calculated according to rates of costs of the suit assessable by the Court" unless an

NOTE—Contn. Sheet.

additional Suit is sanctioned by Govt in consideration of the exceptional importance and difficulty of the case. The present case cannot certainly come under this exception.

According to rule 25 of chapter II of the General Rules & Orders (Civil), an advalorem fee is fixed and the rates in all suits which can be valued according to the rules in the Court fee Regn subject to a minimum of Rs 7 for any suit in the District or Sub Court. This suit is in the Dt Ct and being one for injn is valued at half the value of the land in dispute, ie for Rs 25 & odd, according to the rules in the Ct Fee Regn Consequently the fee that the Court could award was the minimum fee of Rs 7/- & the same has been awarded in the decree.

Kind reference is invited to rule 28 of chap II of the General Rules & Orders (Civil), which prescribe a maximum fee of Rs 50/- for a suit in the Dt Ct when i) the suit involves labour & skill which would be inadequately remunerated by the ordinary fee or ii) the ~~suit~~ subject matter of the suit cannot be estimated at a money value.

~~iii)~~ or ii)

The present suit does not come

Serial No.

under either of these classes and consequently according to the rules, the fee that can be awarded is only Rs 7/-.

Section 22 of the Legal Practitioners Regulation under which these rules are framed, however, contemplates the regulation of fees payable by any party "in respect of his adversary's legal practitioners" and not in respect of his own counsel. It is section 23 that governs such cases, according to which lawyers can have their own arrangements with their clients for their remuneration. In the absence of any such agreement, the amount of fee depends on what can be considered to be fair and reasonable in the circumstances of each case.

Submitted for orders.

(Chief Secy).

DRP
9.7.31

9 JULY 1931

considering that each of the Advocates (Mr Vijaya Deva and Mr Sumanasundara) appeared at several hearings, a fee of Rs 50 may be sanctioned, as a special case, and divided equally between the two

(Secn Member)

DRP
11/7/31

OFFICE OF THE SECOND MEMBER OF COUNCIL
11 JULY 1931
No. 1631

DRP
11/7/31

Japan
13/7/31

Draft G.O

DRP
13/7/31.

NOTE—Contn. Sheet.

(Chief Secy)

Mr S.N. the other files may similarly be dealt with

DRP 13/7

D.D. 025 G PB—50,000—8-7-30

Kaur. File No 87 of 193 C General and Revenue Secretariat

Dft. G.O. Sanctioning Fee for appt

TSD 14/7 Chief Secy) DRP 14.7.31

DRM 15/7/31

Issue DRM 16/7

Draft & Letter communicating the order submitted

H 152 21/7/31

Hon'ble 21/7 H Secy I 21.7.31 21/7

Communicated

To

The PPr B'lore

Mr. H.S. Murthy

The R.C.

" Comptroller Thro' Fin I Sect

G.O. no. P 426-9 Law 85 30-7 dated 20.7.31 sanctioning a fee of Rs 15 each to the PPr & Mr. H.S. Murthy for services rendered in the Conduct of OS. 20/27-28 on the file of the Addl Dist. Judge. B'lore.

The copy of the Jmpt & decree in the file has to be sent to the Rev Com for taking action to recover the Costs awarded to Govt -

The bill of PPr & Mr. H.S. in the file has to be separated & submitted

1056

App. F. III—2]

General and Revenue Secretariat | File No. | of 193

Serial No.

Dft to the R.C. is put up for approval

TSD 10/8

Draft may be approved

Gen Secy) BMP 10/8

10.8.31 14/8

Issued BMP 15/8

GENERAL SECRETARY 10 AUG. 1931 No 13

PRINTING SECTION 15 AUG. 1931 REV SECTT

To

The Rev. Commr

No. P. 6045 dated 17.8.31 forwarding two Copies of the judgment & decree for taken further action in Compliance with the Pr- B. Bd. to recover the Costs awarded to Govt.

B

TSD 18/8

The copy of the draft is still in the file !!

BMP 18/8

B BMP 18/8

Subs

Two copies of the judgment have been sent now.

EJ 18/8

NOTE—Contn. Sheet

WD 02553—50,000—GPB—8-7 36

Appendix F G—1

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue 27/11

Signed by Mr N. R. J. Row

List of enclosures.....

Copied by.....

Examined by.....

Section

File No.

Serial No.

No. P 2997

Encl

To

Mr. H. Sreenivasa Murthy B.A., B.L.,
Advocate

Sir,

In Continuation of this office letter no P. 2539 dated 18th November 1930 I am directed for reference & return to forward herewith / Law file No. 3-27 Sls 1-4 relating to O.S. 20/27-28 on the file of the Addl. District Judge Bangalore and to kindly request you to acknowledge the receipt of the same, ~~intimating the Progress of the Case when it is posted to 5.12.~~

I have the

for L. R.

JSD 24/11

[over

WD 02559—GPB—25,000—25-6-30

26th Novr. 1930.

Mr. H.Srinivasa Murthy, B.A., B.L.,
Advocate.

In continuation of this office letter No.P. 2839 dated 18th November 1930, I am directed to forward herewith for reference and return Law File No. 3-27 Sls.1-4 relating to O.S. 20/27-28 on the file of the Additional District Judge Bangalore and to request you to kindly acknowledge the receipt of the same.

I have the honor to Be,
Sir,
Your most obedient servant,

For Legal Remembrancer and
Secy. to Govt. Law Deptt.

TSD

c.n.

G.R.S. App. F VI G-2]

SUBJECT .....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue 20/7/31

Signed by M N Ry

May this be

(i) Printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Sec. Leave

File No. 85-30

Serial No. 7

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

1) G.O. no. P. 2643-52 Law 65-30-2 dated 11th nov 1930 entrusting certain Civil Cases on the file of the Addl Dist. Court to Mr. H.S. Murthy, Advocate Bangalore

2) Letter no. nil dated ~~Order Thereon No~~. 11th June 1931 from Mr. H.S. Murthy Advocate for Sanction a bill for Rs 80/- being his remuneration for the professional services rendered in O.S. 20 of 27-28 on the file the Addl Dist. Court (Venkoji Rao vs Chief Secy) a suit arising out of the Darkhast sale of Survey No: 108 Situate in Nerlatti Village, Ranebennur Taluk -

3) ~~Letter~~ no Correspondence

1/7

Dealing with the letter No 545/303 dated 29th June 1931 from the PPr. Bangalore forwarding for Selection Sanction a bill for Rs 150/ being remuneration for services rendered in the same when it was above Case on the file of the District Judge, Bangalore.

Order No:— P 426 9(1) (11)

PPr. Bangalore was Conducting the Case on behalf of Govt. on the file of the Dist. Court Bangalore. Consequent to the opening of the Addl Dist Court, at Bangalore some of the Cases were transfered. With a view to lighten the work of the PPr the Case was entrusted to Mr H.S. Murthy according to the G.O. read above. Considering that each of the Advocate have Conducted the Case at several stages in each of the Courts, Govt are pleased to Sanction a Sum of Rs 50/ which is to be

The Advocate's fee assessed by the Court in the decree in the Suit is only Rs 7/. Considering however that both the Public Prosecutor, Bangalore and Mr H. Srinivasa Murthi appeared at several hearings, Government are pleased to sanction a fee of Rs 25/ to each of them as a special case, List of enclosure for services rendered in the Conduct of the Suit. Under rule 130 of the Rules for the Conduct of Legal Affairs of Govt, the expenses of the Cases have to be met by the Revenue Dept from out of its budget grants

Copied by

The Revenue Govt is accordingly requested to point out direct to the Comptroller the Source out of which the charge is to be

Examined by

WD 02560 -GPB -11,250--2-7-30

divided equally between the two. Rev. Comm^r is requested to point out the Source direc ~~to the Comptroller to get~~ met.

Chief Sec^y

To
1) The PPr. Bangalore with the file.
2) Mr. H.S. Murthy, with the file.
3) Rev. Comm^r B'lore
4) Comptroller to get this/ ~~this~~ Fin: Sect ~~Fin. Sect.~~

6. EAP

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read:-- Government Order No.P.2643-52 Law.65-30-2 dated, the 11th November 1930, entrusting certain Civil cases on the File of the Additional District Court, to Mr. H. Srinivasamurthy, Advocate, Bangalore.

2. Letter No.nil. dated 11th June 1931, from Mr.H.Srinivasamurthy forwarding for sanction a bill for Rs.50/- being his remuneration for the professional services rendered in O.S.20 of 27-28 on the file of the Additional District Court (Venkaji Rao Vs. Chief Secretary) a suit arising out of the Darkhast sale of Survey No.108 situate in Berihath Village, Kankanhalli Taluk.

3. Correspondence ending with the letter No.545/30-31 dated, 29th June 1931, from the Public Prosecutor, Bangalore forwarding for sanction his bill for Rs.50/- being remuneration for services rendered in the same case when it was on the file of the District Judge, Bangalore.

ORDER NO.P.

Dated, Bangalore, the 16th July 1931.

The Advocate's fee accessed by the Court in the decrease in the suit is only Rs.7/-. Considering however that both the Public Prosecutor, Bangalore and Mr. H. Srinivasa Murthi appeared at several hearings, Government are pleased to sanction a fee of Rs. 25 to each of them as a special case, for services rendered in the conduct of the suit. Under rule 130 of the Rules for the conduct of Legal affairs of Government, the expenses of this case have to be met by the Revenue Department from out of its budget grants. The Revenue Commissioner is accordingly requested to -- point out direct to the Comptroller the source out of which the charge is to be met.

By order &c.,

For Chief Secretary to Government.

To

The Public Prosecutor, Bangalore, with the bill.
Mr.H.Srinivasamurthy, -do- -do-
The Revenue Commissioner in Mysore, Bangalore.
The Comptroller to the Government of Mysore, THROUGH the Financial Secretariat.

ISD

...L.7.
16/7.

Appendix F G–1]

SUBJECT.....

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Section Law

File No. 85-30

Serial No. 10

Diary No. of letter replied to.....

No. P 10135

To The Rev. Commr. in Mysore, B'lore.

Sir,

General and Revenue Secretariat

( ).

the *193*

In Continuation of the G.O. no. P. 426-9 Law 85-30-7 dated 20th July 1931 Sanctioning a fee of Rs 25/- each to the Pltr. Bangalore, and Mr. H. Srinivasamurthy Advocate, Bangalore, for services rendered in the Conduct of O.S. 20/27-28 on the file of the Addl Dist. Ch. Bangalore (Venkoji Rao vs Ch. Secy) a Suit arising out of dakhast Sale of Survey no 108 situated in Nerlahalli Village, Kankanhalli Taluk, I am directed to forward herewith a Copy of the

Date of issue.....

Signed by.....

List of enclosures.....

Copied by.....

1576

Examined by.....

judgment and decree in the
said Case for taking further
in consultation with the Public Prosecutor, Bangalore
necessary action to recover the
Costs awarded to Govt in the Case —

I have the

ISD
11/8

for Ch. Secy

Copy to Mrs. H. Srinivasa Murthi
and the Public Prosecutor, Bangalore
for information.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 15th August 1931.

No.

From

H. V. Ramaswami, Esq., M.A., B.L.,
Chief Secretary to the Government of His Highness the Maharaja of Mysore.

To

General Department.

The Revenue Commissioner in Mysore,

Bangalore.

Sir,

In continuation of the Government Order No. P. 426-9/ Law 85-30-7, dated 20th July 1931, sanctioning a fee of Rs. 25/- each to the Public Prosecutor, Bangalore and Mr. H. Srinivasa Murthy, Advocate, Bangalore for services rendered in the conduct of O.S. 20/27-28 on the file of the Additional District Court, Bangalore (Venkoji Rao vs. Chief Secretary) a suit arising out of darkhast sale of Survey No. 108 situated in Nerlahalli village Kankanhalli Taluk, I am directed to forward herewith a copy of the judgment and decree in the said case for taking further necessary action in consultation with the Public Prosecutor, Bangalore to recover the costs awarded to Government in the case.

I have the honor to be,
Sir,
Your most obedient servant,

for Secretary to Government
General Department.